

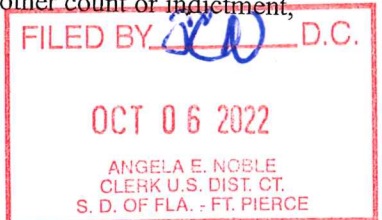
AO 243 (Rev. 09/17)

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Court		District <u>Southern District of Florida</u>
Name (under which you were convicted): <u>Scott Joseph Trader</u>		Docket or Case No.: <u>2:17-CR-14047-MIDDLEBROOKS</u>
Place of Confinement: <u>U.S.P. Coleman II, Coleman, FL 33521</u>		Prisoner No.: <u>16118-104</u>
UNITED STATES OF AMERICA		Movant (include name under which convicted) <u>Scott Joseph Trader</u>

MOTION

1. (a) Name and location of court which entered the judgment of conviction you are challenging:
UNITED STATES DISTRICT COURT, Southern District of Florida,
Ft. Pierce Division
101 South U.S. Highway 1, Ft. Pierce, Florida 34950
- (b) Criminal docket or case number (if you know): 2:17-CR-14047-MIDDLEBROOKS
2. (a) Date of the judgment of conviction (if you know): 09/29/2017
- (b) Date of sentencing: 12/07/2017
3. Length of sentence: Total term of LIFE
4. Nature of crime (all counts): Enticement of a minor to engage in sexual activity, in violation of 18 U.S.C. 2422(b) (count 1); Distributing material involving the sexual exploitation of minors, in violation of 18 U.S.C. 2252 (a)(2) and (b)(1) (count 2); Possession of material involving the sexual exploitation of minors, in violation of 18 U.S.C. 2252 (a)(4) and (b)(2) (count 3); and Producing material involving the sexual exploitation of minors, in violation of 18 U.S.C. 2251 (a) and (e) (count 5)
5. (a) What was your plea? (Check one)
 (1) Not guilty ☐ (2) Guilty ☒ (3) Nolo contendere (no contest) ☐
6. (b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to?



6. If you went to trial, what kind of trial did you have? (Check one) Jury ☐ Judge only ☐
7. Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes ☐ No ☒

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8. Did you appeal from the judgment of conviction?

Yes



No



9. If you did appeal, answer the following:

(a) Name of court: United States court of appeals for the Eleventh Circuit(b) Docket or case number (if you know): 17-15611(c) Result: Affirmed(d) Date of result (if you know): November 25, 2020(e) Citation to the case (if you know): United States v. Trader, 981 F.3d 961 (11th Cir. 2020)

(f) Grounds raised: 1. whether the government's procurement of the defendant's "KIK" subscriber records, including location information, without a warrant was a violation of Mr. Trader's reasonable privacy expectation under the fourth Amendment.
 2. whether the affidavit in support of the warrant to search Mr. Trader's home failed to show probable cause on its face.
 3. whether Mr. Trader's sentence of life imprisonment was substantively unreasonable.

(g) Did you file a petition for certiorari in the United States Supreme Court?

Yes



No



If "Yes," answer the following:

(1) Docket or case number (if you know): 21-5323(2) Result: Denied(3) Date of result (if you know): October 04, 2021(4) Citation to the case (if you know): Trader v. United States, 142 S.Ct 296;(5) Grounds raised: 211 L.Ed.2d 139 (Oct. 4, 2021)

1. whether the government conducts a search under the fourth Amendment when it accesses historical I.P. address records for a mobile app that provide a comprehensive chronicle of the user's past movement?

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?

Yes



No



11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

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- (4) Nature of the proceeding: _____
- (5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐ No ☐

(7) Result: _____

(8) Date of result (if you know): _____

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court: _____

(2) Docket of case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐ No ☐

(7) Result: _____

(8) Date of result (if you know): _____

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐ No ☐

(2) Second petition: Yes ☐ No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

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12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Trader is actually innocent of Violating 18 U.S.C. 2422(b) (count 1)

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

2422(b) Prohibits anyone from engaging in "Any Sexual Activity for which any person could be charged with a criminal offense". The underlying completed "Sexual Activity" Trader's violation is based upon, is two State of Florida offenses involving child pornography. However, according to the federal definition of "Sexual Activity" relating to the inclusion of child pornography, these two underlying offenses (Possession and Promotion), do not fall within the meaning of "Sexual Activity" for a violation of 2422(b).

(See memorandum of Law, Section II)

(b) Direct Appeal of Ground One:

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

- (2) If you did not raise this issue in your direct appeal, explain why:

This issue was not Presented or Preserved based on the deficient and ineffective assistance of counsel.

(c) Post-Conviction Proceedings:

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

- (2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

- (3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☐

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(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND TWO: Trader is actually innocent of violating 18 U.S.C. 2422(b) (count 1)

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

2422(b) Prohibits anyone from enticing any individual who has not attained the age of 18 years, to "engage" in "any sexual activity" for which any person could be charged with a criminal offense. "Sexual activity" is defined in 18 U.S.C. 2427 as including "the production of child pornography", and the underlying completed "Sexual activity" Trader is convicted of, among many, is the production of child pornography. However, the specific conduct set forth within the statement of facts for count 1 does not constitute an offense under the statute. Further, sufficient evidence is lacking to satisfy the elements of a completed section 2422(b) violation. Trader was not "engaged" in the production of the child pornography that was "sent" to him, and because he did not play an active role in the production of the pornography, he is actually innocent of the 2422(b) violation.

(See: Memorandum of Law, Section II)

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐No ☒

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(2) If you did not raise this issue in your direct appeal, explain why:

This issue was not presented or preserved based on the deficient and ineffective assistance of counsel.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

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GROUND THREE: Trader's Defense attorney rendered ineffective assistance

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Ineffective assistance was rendered because counsel failed to investigate the specific facts of Trader's case, the charge against him, and the case law in effect at the time of Trader's plea. Specifically and for the reasons set forth in Sections II and III of Trader's Memorandum of Law, when counsel failed to dismiss count 1 of the indictment, and when he advised Trader to Plead guilty to it.

(See: memorandum of law, Sections II and III)

(b) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

The issue of ineffective assistance of counsel is appropriately raised in a motion to vacate pursuant to 28 U.S.C. 2255 as it requires an evidentiary hearing.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐No ☐

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(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND FOUR: Appellate counsel was ineffective for failing to argue on appeal

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

That Trader: 1. was actually innocent of Count 1; 2. There was insufficient evidence to convict for count 1; 3. The factual basis does not support a conviction under Section 2422 (b).

(See: Memorandum of law, Section IV)

(b) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

The issue of ineffective assistance of counsel is appropriately raised in a motion to vacate pursuant to 28 U.S.C. 2255 as it requires an evidentiary hearing.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

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Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

The grounds presented in this motion were not previously presented based on the deficient and ineffective assistance of counsel. Ineffective assistance of counsel claims are properly raised in a motion to vacate pursuant to 28 U.S.C. 2255.

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12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND Five: Trader's appellate counsel was ineffective for failing to raise issues for the first time in the initial brief, as opposed to the reply brief.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(See: Memorandum of Law, Section II)

(b) Direct Appeal of Ground One:

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

- (2) If you did not raise this issue in your direct appeal, explain why:

The issue of ineffective assistance of counsel is appropriately raised in a motion to vacate pursuant to 28 U.S.C. 2255 as it requires an evidentiary hearing.

(c) Post-Conviction Proceedings:

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

- (2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

- (3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☐

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(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND SIX: Counsel was ineffective for failing to object in any meaningful way to the introduction of a "Parenting Plan evaluation" report at Sentencing.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

This report was conducted in 2013 as part of Trader's on-going child custody dispute. The report is highly confidential, protected as private under the laws of the State of Florida, and the United States, and was obtained by the government illegally from Trader's electronic device. Additionally, this report specifically factored into the judge's determination when sentencing Trader to LIFE in prison. Counsel's failure to object to anything but the relevance of that report, despite Trader informing him of Sixth Grounds, constitutes ineffective assistance during Sentencing.

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

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(2) If you did not raise this issue in your direct appeal, explain why:

The issue of ineffective assistance of counsel is appropriately raised in a motion to vacate pursuant to 28 U.S.C. 2255 as it requires an evidentiary hearing.

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

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GROUND Seven: Trader's plea of guilty to all counts of the indictment was made unknowingly and involuntarily, and counsel rendered ineffective assistance when

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

he failed to raise issues of merit to the District court, and led Trader to believe he could appeal them. Specifically when Trader Pled guilty to his conditional plea agreement, he believed part of his preserved issue II, was a challenge to the facts in the affidavit for the Search warrant. Trader was made to believe by counsel, that his rights on appeal would include the ability to request a Franks hearing due to the numerous falsehoods and omissions within the affidavit to search. Trader had repeatedly requested counsel file a motion for a Franks hearing pre-trial, claiming without these intentional falsehoods, the affidavit would lack probable cause. Counsel had assured Trader that, because the Search warrant affidavit was challenged in a motion to suppress (on other grounds), and he had pled guilty conditionally; he had preserved the right on appeal to challenge the misleading falsehoods within the affidavit. Counsel clearly misled Trader, and had he known these rights were not preserved, he would have elected to go to trial rather than pled guilty conditionally.

(b) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

The issue of ineffective assistance of counsel is appropriately raised in a motion to vacate pursuant to 28 U.S.C. 2255 as it requires an evidentiary hearing.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☐

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(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND Eight: Trader's Plea of guilty was not made intelligently, and therefore was made unknowingly and involuntarily because he did not possess the correct mental state of mind

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

On September 29, 2017 to make such a decision. On September 28, 2017, mere hours before the change of Plea hearing, Trader experienced a traumatic event in State court when the Department of Children and Families terminated his parental rights over his two minor children. In addition, in the time between the two court hearings, Trader was held in the Special Housing Unit where he attempted suicide in his cell. Counsel was made fully aware of all events leading to the change of Plea hearing by Trader, and continued to encourage him to plead guilty by informing him that it would be in his best interest, the hearing was already scheduled, and the court frowns upon wasting their time. But if counsel would have rescheduled the change of Plea hearing to a later time when Trader was not numb to everything happening around him, he would have realized the issues which are now being raised in at least four grounds of this petition. Moreover, Trader would have fully considered the impacts a guilty Plea would have on both his Federal and State cases. Because of these reasons and others, Trader's Plea of guilty was not made intelligently. Counsel was ineffective for failing to reschedule the hearing, which had that been done, Trader would not have

(b) Direct Appeal of Ground Four: Pled guilty and would have proceeded to trial.

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

The issue of ineffective assistance of counsel is appropriately raised in a motion to vacate pursuant to 28 U.S.C. 2255 as it requires an evidentiary hearing.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

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Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

The grounds presented in this motion were not previously presented based on the deficient and ineffective assistance of counsel. Ineffective assistance of counsel claims are properly raised in a motion to vacate pursuant to 28 U.S.C. 2255.

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14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At the preliminary hearing:

N/A

(b) At the arraignment and plea: Fletcher Peacock, AFD, 109 North 2nd Street, Ft. Pierce, Florida 34950 Tel. (772) 489-2123

(c) At the trial:

N/A

(d) At sentencing: Fletcher Peacock, AFD, 109 North 2nd Street, Ft. Pierce, Florida 34950 Tel. (772) 489-2123

(e) On appeal: Fletcher Peacock, AFD, 109 North 2nd Street, Ft. Pierce, Florida 34950 Tel. (772) 489-2123

(f) In any post-conviction proceeding: Bernardo Lopez, AFD, One East Broward Blvd., Suite 1100, Fort Lauderdale, FL 33301-1842 (on writ of certiorari)

(g) On appeal from any ruling against you in a post-conviction proceeding:

N/A

16. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐

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18. **TIMELINESS OF MOTION:** If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.*

The Supreme Court denied Traylor's petition for a writ of certiorari on October 04, 2021. Thus, the judgment of conviction became final on October 04, 2021 and the movant's motion to vacate was required to be filed on or before October 04, 2022. Notably, under Fed. R. Civ. P. 6 (a)(1)(A), "the day of the event that triggers the [time] Period" is "exclude[d]", so a motion presented to the court on the anniversary date of a triggering event is within the one-year period of limitations set out in 28 U.S.C. 2255 and 2244(d)(1). Therefore, Mr. Traylor's Section 2255 motion is timely filed and within the one-year statute of limitations as contained in 28 U.S.C. 2255.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

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Therefore, movant asks that the Court grant the following relief: a) Direct an answer be filed and appoint counsel. b) Hold an evidentiary hearing, and then after, c) Vacate his convictions and sentence and grant him any other relief to which he may be entitled.
or any other relief to which movant may be entitled.

(Pro Se)
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on September 27, 2022
(month, date, year)

Executed (signed) on 09/27/2022 (date)

Scott Traders
Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.

_____[name of attorney]
_____[name of firm]
_____[street address]
_____[phone number]
_____[fax number]
_____[e-mail address]
_____[state bar i.d. number]
Attorneys for _____[name of party]

Southern UNITED STATES DISTRICT COURT District of Florida

Scott Trader [Name of)
plaintiff],)
Plaintiff) No. _____
vs.) IN RE: 2:17-CR-1407-MIDDLEBROOKS
United States of America [Name of)
defendant],) EX PARTE APPLICATION
Defendant) FOR PAUPER STATUS
(28 U.S.C. § 1915(a))

Relief Sought

Scott Trader [Name of plaintiff], plaintiff, seeks permission of the Court, pursuant to 28 U.S.C. § 1915, to proceed in this action without prepayment of filing or other fees and costs. 2

Grounds for Relief

The plaintiff should be granted pauper status because:

1. The affidavit attached to this Application states all of the assets of the plaintiff.
2. The affidavit attached to this Application states that the plaintiff believes that Scott Trader [he or she] is entitled to the redress sought by this action. 3

3. The plaintiff is unable to pay the fees and costs or give security for them.

Papers in Support of Application

This Application is based on this document, on the supporting Affidavit of the plaintiff, on the Complaint to be filed in this action that has been lodged with the Court, and on any other papers, evidence, or argument presented in connection with this motion. 4

Dated: 09/27/2022

_____ [firm name]

By: Scott Truher [signature]
Scott Truher [typed name]

P.O. Box 1034, Coleman, FL 33521 [address]

N/A. [phone number]

N/A [e-mail address]

Attorneys for N/A

U.S.P. Coleman II
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